

Exhibit 9

Oracle Competitive Intelligence

Concerns about Sun Microsystems

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Oracle Technology Competitive Intelligence
Last Updated: 18 November 2008

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIAL EXHIBIT 2036

CASE NO. 10-03561 WHA
DATE ENTERED _____

BY _____
DEPUTY CLERK

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Competitive information was gathered from a mix of public sources, customers, and industry consultants and experts.

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Sun Microsystems to cut up to 18% of workforce

"The moves will lead to the loss of between 5,000-6,000 jobs, or 15-18 per cent of the company's workforce ... The company said the job cuts would lead to charges against profits of \$500-600m, adding to a lengthening line of restructuring announcements that have dented its performance in recent years. It had already announced restructuring charges in each of the last seven years, for a total of more than \$2bn."

- Financial Times, Nov 14, 2008

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Source: <http://www.ft.com/cms/s/0/f823d16c-b264-11dd-bbc9-0000779fd18c.html>

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Sun's Recurring Restructurings

Plan	Date	Headcount Reduction
Plan IX	November 2008	5,000-6,000
Plan VIII	May 2008	1,500-2,500
Plan VII	August 2007	1,450
Plan VI	May 2006	2,150
Plan V	June 2005	1,400
Plan IV	March 2004	4,300
Plan III	October 2002	3,200
Plan II	2nd Qtr 2002	3,900
Plan I*	4th Qtr 2001	-

* Included facility exits only; no workforce reductions

Source: Sun corporate reports and Credit Suisse, Nov 17, 2008

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Analyst Perspective: Sun

- **Thomas Weisel Partners (17 Nov '08):** "We believe that there are significant risks with executing the announced program including: (1) timeliness of staff reductions, (2) potential for creating further market share losses and (3) accelerating weakening of JAVA's net cash position with \$0.55bn of cash charges associated the staff reduction. Additionally, **we believe the restructuring program (15-18% headcount reductions) signals that the business is heading for an 11-15% y/y decline in FY09.**"
- **Cowen & Company (14 Nov '08):** "Sun is looking a lot like Data General, Sequent, Tandem, Stratus, SGI, Unisys all companies which were acquired on the cheap, or **never re-emerged from various rounds of restructuring.** The issue is too much legacy technology which is in markets which are slowly shrinking."
- **Bernstein Research (14 Nov '08):** "While an aggressive workforce reduction is likely the most straightforward path to profitability in the near term, we believe a controlling shareholder could also realize meaningful value by selectively selling, harvesting, or growing specific business lines within Sun ... **Sell select parts of the businesses, including MySQL, Java, and other software assets.**"

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Analyst Perspective: Sun (cont'd)

- **Goldman Sachs (14 Nov '08):** "Sun also announced that it is formally splitting its systems and software businesses in an internal reorganization. While **we doubt that this will improve Sun's competitive positioning**, it should provide a clearer picture of the prospects and the potential value of each business unit."
- **Forrester Research (14 Nov '08):** "**This partition [new org structure] is easier for someone to understand, and it makes them a little more acquirable.** Someone might want to acquire [the systems or applications] units, and that way they could take one of the three along with a portion of services and sales."
- **Interarbor Solutions (14 Nov '08):** "**This is more of a continuation of Sun's downward spiral that has been going on for a while -- and it seems to be accelerating.** Another 18 percent on top of the last round of layoffs is way beyond just trimming fat. We are well into muscle and bone and maybe some vital organs."
- **Wall Street Journal (14 Nov '08):** "Sun's shares Friday rose 1%, or 4 cents a share, to \$4.12, in 4 p.m. trading on the NASDAQ Stock Market. **The company's market valuation, which once topped \$120 billion, stands at about \$3.04 billion, below the \$3.1 billion in cash and securities the company reported on its balance sheet as of Sept. 28.**"

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Analyst Perspective: Oracle

- **Piper Jaffray** (14 Nov '08): "This supports our thesis of ORCL's superior earnings resiliency and reinforces the idea that ORCL is uniquely advantaged by a weak economy."
- **Goldman Sachs** (12 Nov '08): "In a tougher macro environment we view Oracle as defensive given the following:
 - (1) Large recurring revenue stream...
 - (2) As well as significant cross-sell opportunities
 - (3) Ability to consolidate share away from best-of-breed pure-plays.
 - (4) Well-executed acquisition strategy, with still plenty of room for ongoing vertical and horizontal adds.
 - (5) Valuation remains very attractive and balance sheet strength is notable."
- **UBS Investment Research** (28 Oct '08): "Oracle Corporation – a relatively safer port in the storm. While ORCL is not immune from the macro dislocation, its strong maintenance base, at 50% of sales vs 37% in FY02, helps to cushion the decline we expect to see in license sales. We also see the addition of BEAS maintenance rev as helping protect EPS."

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Sun Losses & Negative Growth

Sun Microsystems (JAVA) (\$ Millions Except Per Share Data)

	FY2008				FY2009E			
	9/07	12/07	3/08	6/08	9/08	12/08E	3/09E	6/09E
Sales By Segment								
Total Revenues	\$3,219.0	\$3,615.0	\$3,266.0	\$3,780.0	\$2,990.0	\$3,183.6	\$2,865.9	\$3,477.9
Total Products	1,980.0	2,249.0	2,003.0	2,386.0	1,764.0	1,837.4	1,624.2	2,114.4
Computer Systems Products	1,475.0	1,594.0	1,473.0	1,722.0	1,257.0	1,195.5	1,104.8	1,463.7
Data Management Products	505.0	655.0	530.0	664.0	507.0	641.9	519.4	650.7
Total Services	1,239.0	1,366.0	1,263.0	1,394.0	1,226.0	1,346.2	1,241.7	1,363.4
Support Services	979.0	1,041.0	961.0	1,042.0	963.0	1,024.0	945.3	1,025.0
Professional Services and Educational Services	260.0	325.0	302.0	352.0	263.0	322.3	296.4	338.5
Y/Y Growth	1%	1%	(1%)	(1%)	(7%)	(12%)	(12%)	(8%)
Total Products	1%	(0%)	(3%)	(4%)	(11%)	(18%)	(19%)	(11%)
Computer Systems Products	0%	(2%)	(2%)	(7%)	(15%)	(25%)	(25%)	(15%)
Data Management Products	3%	5%	(5%)	4%	0%	(2%)	(2%)	(2%)
Total Services	1%	5%	3%	4%	(1%)	(1%)	(2%)	(2%)
Support Services	(1%)	4%	1%	2%	(2%)	(2%)	(2%)	(2%)
Professional Services and Educational Services	7%	7%	11%	10%	1%	(1%)	(2%)	(4%)
Net Income (GAAP)	\$89.0	\$260.0	(\$34.0)	\$88.0	(\$177.0)*	(\$35.6)	(\$137.8)	(\$78.7)

* When including one-time charges, the FY1Q09 quarterly loss is \$1.68 billion.

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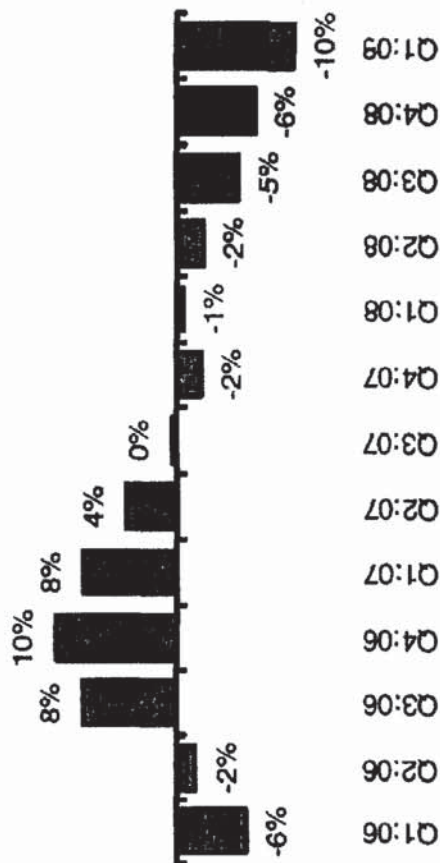
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Source: "Sun Microsystems, Inc.," Bank of America Securities, October 30, 2008

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Sun Accelerated Revenue Decline

JAVA: Estimated YoY Revenue Growth at Constant Currency



Source: Corporate reports, Factset, Bernstein estimates and analysis

Note: FQ109 ends on September 30, 2008

Bernstein Research: "Sun has now missed consensus revenue estimates for three consecutive quarters. This will also be the sixth straight quarter that Sun has delivered negative revenue growth at constant currency, which is unparalleled among major IT hardware vendors."

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Source: "Sun Microsystems: FQ109 Debrief - Does JAVA Have the Fortitude to Cut Big?" Bernstein Research, October 31, 2008



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Investment in R&D: Oracle vs. Sun

Annual R&D Investment (in \$ million)

	FY04	FY05	FY06	FY07	FY08
Oracle	\$1,254	\$1,481	\$1,872	\$2,195	\$2,741
YoY % Change		18.10%	26.40%	17.25%	24.87%
Sun Microsystems	\$1,926	\$1,785	\$2,046	\$2,008	\$1,834
YoY % Change		-7.32%	14.62%	-1.86%	-8.67%

Source: Company 10K reports. Sun fiscal year ended on June 30. Oracle fiscal year ended on May 31.

- Oracle increases R&D investment consistently year-over-year, enabling Oracle to be more innovative and thus benefiting customers.
- In contrast, Sun's investment in R&D declines, thus impacting Sun's long-term competitiveness.

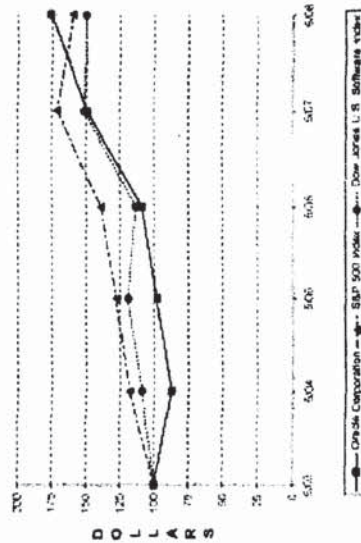
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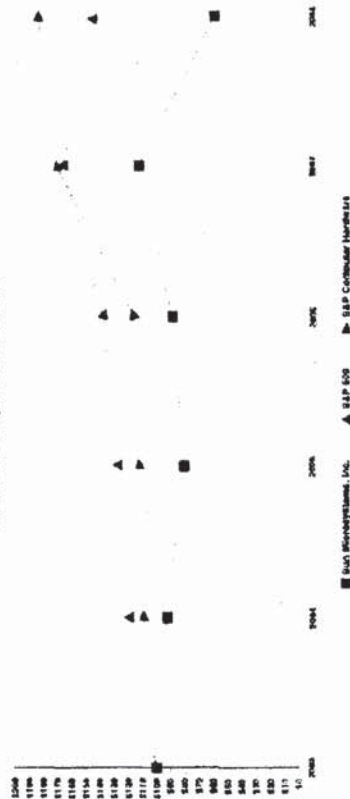
Stock Performance of Sun Lags Behind Oracle

COMPARISON OF 5-YEAR CUMULATIVE TOTAL RETURN*
AMONG ORACLE CORPORATION, THE S&P 500 INDEX
AND THE DOW JONES U.S. SOFTWARE INDEX



* \$100 INVESTED ON MAY 31, 2003 IN STOCK OR
INDEX-INCLUDING REINVESTMENT OF DIVIDENDS.

COMPARISON OF 5 YEAR CUMULATIVE TOTAL RETURN*
AMONG SUN MICROSYSTEMS, INC., THE S&P 500 INDEX
AND THE S&P COMPUTER HARDWARE INDEX



As of May 31

	2003	2004	2005	2006	2007	2008
Oracle	100	87.62	98.39	109.3	148.96	175.56
S&P 500	100	118.32	128.07	139.13	170.84	159.4
Dow Jones U.S. Software	100	109.22	119.48	113.63	151.06	149.95

As of June 30

	2003	2004	2005	2006	2007	2008
Sun Microsystems	100	93.12	80.22	89.25	113.12	58.49
S&P 500	100	119.11	126.64	137.57	165.9	144.13
S&P Computer Hardware	100	108.87	112.31	116.24	170.42	183.6

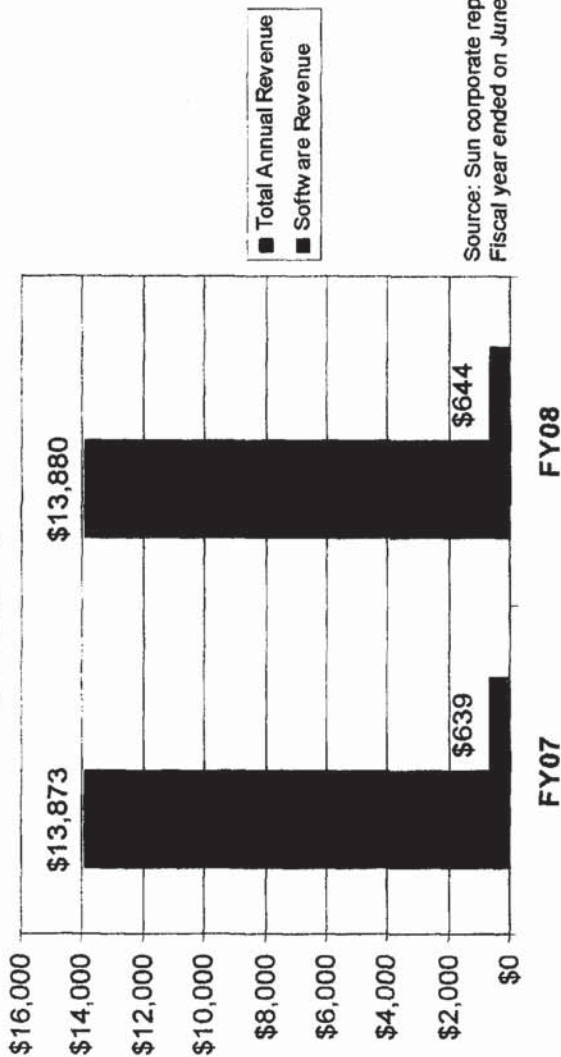
Source: Company 10K reports.

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Sun Software Revenue vs. Total Revenue
(in \$ million)



- Sun is primarily a hardware company. Sun's software revenue as a percentage of total annual revenue is less than 5% and its year-over-year growth is minimal.
- Software revenue consists of Java middleware, identity management, MySQL, Solaris, virtualization, and Java licensing. It does not include maintenance and support revenue.

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Sun Management Departures

- Rich Green, EVP of Software, resigned November 2008
- Andy Bechtolsheim, co-founder of Sun, resigned October 2008
- Adolfo Hernandez, SVP Worldwide Services (consulting, support, education), resigned November 2008
- Michael "Monty" Widenius, CTO of Software, resigned September 2008
- David Axmark, co-founder of MySQL, resigned October 2008
- Jim Starkey, architect of MySQL, resigned

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Summary

- Investing in Sun technologies is a risky bet
- Sun is losing momentum and share
- Recurring restructurings are disruptive to business and customers
- Shrinking R&D investment will hurt long-term innovation and competitiveness
- Potential sales of part or all of Sun, as suggested by some analysts, can be disruptive to customers
- Software is a "step child" of the broader hardware business
- Resignation of software executives hurts employee morale and corporate focus
- Sun's weak position will be most impacted in today's challenging economic environment

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